

**GEORGIA BOARD OF MASSAGE THERAPY
MINUTES OF BOARD MEETING
October 28, 2010**

The Georgia Board of Massage Therapy board meeting was held Thursday, October 28, 2010, at The Professional Licensing Boards Division offices located at 237 Coliseum Drive, Macon, Georgia.

The following members were present:

Jane H. Johnson, Chair
Melony Phillips, Vice Chair
Kathy Lescak, Cognizant
Steve Earles

Administrative Staff Present:

Randy Vaughn, Division Director
Brig Zimmerman, Executive Director
Serena Gadson, Licensure Supervisor
Amanda Allen, Board Support Specialist

Assistant Attorney General:

Graham Barron (via conf. call)

Ms. Johnson established that a quorum of the Board was present and called the Board meeting to order at 9:05 a.m.

Agenda:

Ms. Phillips motioned, Ms. Lescak seconded, and the Board voted to approve the agenda with late agenda items added. None opposed, motion carried.

Public Rule Hearing:

Ms. Lescak motioned, Mr. Earles seconded, and the Board voted to adopt Rule 345-3-.02 Applications for Licensure Post July 01, 2007 as posted for the 30-day minimum requirement. None opposed, motion carried.

**SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA BOARD OF MASSAGE THERAPY
RULE FOR CHAPTER 345-3APPLICATIONS, RULE 345-3-.02 APPLICATION FOR
LICENSURE POST JULY 1, 2007.**

Purpose: The purpose of this rule amendment is to expand the rule to contain updated Board policies with regard to foreign massage therapy education requirements.

Main Features: The rule provides for the expansion of the current rule to contain current Board policies regarding acceptable documents and exam requirements for applicants educated outside the United States.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS
TO THE GEORGIA BOARD OF MASSAGE THERAPY RULE FOR CHAPTER 345-3
APPLICATIONS, RULE 345-3-.02 APPLICATION FOR LICENSURE POST JULY 1, 2007.**

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

345-3-.02 Application for Licensure Post July 1, 2007. Amended.

(1) The applicant for licensure as a massage therapist shall submit an application on a form approved by the Board, and evidence satisfactory to the Board that the applicant:

(a) is at least 18 years of age; and

(b) has a high school diploma, GED, or recognized equivalent; and

(c) is a citizen of the United States or a permanent resident of the United States.

(2) In addition to the information called for on the form, the applicant must also submit the following:

~~(a) three (3) references: two (2) professional references from licensed healthcare professionals or instructors from a massage therapy program, and, one (1) personal reference (excluding immediate family). All references must have known the applicant for two (2) years; however, for applicants who have graduated from a massage therapy program within one (1) year of the date of their application, the licensed professional references or instructors must have known the applicant for only a minimum of six (6) months; and~~

~~(b) (a) photograph of the applicant. Only a passport type (3"X3" "2X2") photo taken within the past twelve months will be accepted; and~~

~~(c) (b) authorization to perform a criminal background check; and~~

~~(d) (c) the proper fee – see fee schedule; and~~

~~(e) (d) Applicants educated within the United States: official school transcript, **in original sealed envelope**, by the applicant's school or program, of successful completion (graduation) of a board-recognized massage therapy education program consisting of a minimum of five-hundred (500) hours of course and clinical work in accordance with Board rule 345-8; ~~and or,~~~~

~~(e) Applicants educated outside the United States:~~

~~1. Provide a sealed copy of school transcript translated into English, and~~

~~2. Provide a copy of school catalog, school curriculum and school's license to operate, and~~

~~3. Pass one exam of the following exams: MBLEx, NCBTMB, or NCBTM.~~

~~4. All documentation must be certified translations including the name and contact number of the person approving the translation.~~

~~5. The Board reserves the right to recognize and consider mitigating circumstances with regard to the provision of educational information within compliance with this rule.~~

(f) official verification from NCBTMB (National Certification Board for Therapeutic Massage and Bodywork) or FSMTB (Federation of State Massage Therapy Boards) showing applicant has passed the NCBTMB National Certification Exam for Therapeutic Massage (NCETM) or National Certification Exam for Therapeutic Massage & Bodywork (NCETMB), or, the FSMTB Massage & Bodywork Licensing Exam (MBLEx), or an exam deemed equivalent or equal to the NCE or FSMTB exam by the

Board.

Authority: O.C.G.A. §§ 43-1-19, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-10, 43-24A-14, 43-24A-20, and 50-13-3.

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Ms. Lescak motioned, Mr. Earles seconded, and the Board voted to adopt Rule 345-4-.02 Continuing Education Hours as posted for the 30-day minimum requirement. None opposed, motion carried.

SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA BOARD OF MASSAGE THERAPY RULE FOR CHAPTER 345- 4, LICENSE RENEWAL, CONTINUING EDUCATION, INACTIVE STATUS AND REINSTATEMENT OF A LICENSE, RULE 345-4-.02, CONTINUING EDUCATION HOURS

Purpose: The purpose of this rule amendment is to clarify the time frame for obtaining Continuing Education hours, and penalties for non-obtainment.

Main Features: The rule clarifies the time period during which Continuing education hours must be obtained prior to license renewal and the possible consequences of non-obtainment within the time period.

DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE GEORGIA BOARD OF MASSAGE THERAPY RULE FOR CHAPTER 345- 4, LICENSE RENEWAL, CONTINUING EDUCATION, INACTIVE STATUS AND REINSTATEMENT OF A LICENSE, RULE 345-4-.02, CONTINUING EDUCATION HOURS

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted]

345-4-.02 Continuing Education Hours. Amended.

(1) Every massage therapist licensed pursuant to this chapter shall be required to complete a minimum of twenty-four (24) continuing education (CE) hours through an approved provider related to the practice of massage therapy as a condition for renewing his or her license for each biennium renewal expiration date except as otherwise provided for in this chapter.

(a) 12 of the total 24 CE Hours must include direct hands-on supervised instruction; and

(b) The remaining 12 CE Hours may include direct hands-on supervised instruction or other massage therapy related CE hours

(c) CE Hours must be obtained during the two year renewal cycle beginning November 1st to October 31st of the two year period.

(d) Failure to obtain the required CE Hours may result in the Board taking disciplinary action and imposing a fine, including but not limited to, the following:

1. Public Reprimand and fine of \$100; and

2. Deficient CE Hours must be obtained within the time frame set by the Board.

(2) Approved providers for Continuing Education may be found on the National Certification Board for Therapeutic Massage and Bodywork website at www.ncbtmb.org. Licensees do not have to be nationally certified by NCBTMB to access the NCBTMB continuing education providers. The Board only accepts those Continuing Education Providers assigned a provider code number by NCBTMB.

(3) The Board may consider a waiver or variance of the requirement of CE hours for licensees who can provide acceptable proof of a verifiable illness, disability or hardship that substantially affected their ability to obtain the required CE hours during the prior biennium renewal period through submission to the board of a completed, signed waiver/variance request form *prior* to the biennium renewal expiration date of October 31st of every even numbered year.

(4) An applicant who is licensed **during the second year** of the biennium renewal period shall only be required to provide 12 hours of continuing education (CE) hours through an approved provider for that renewal period.

(a) 6 of the total 12 CE Hours must include direct hands-on supervised instruction; and

(b) The remaining 6 CE Hours may include direct hands on supervised instruction or other massage therapy related CE hours.

(5) An applicant having graduated from a Board recognized approved massage therapy education program within one year of their application date shall be exempt from continuing education requirements for their initial biennium renewal period only.

(6) An applicant for reinstatement must show along with their completed application that they have taken the required twenty-four (24) hours of continuing education, in accordance with paragraph 1 of this rule, within one (1) year of the date of their reinstatement application to the board.

(7) Each licensed massage therapist shall maintain records of attendance and supporting documents for continuing education for a period of three (3) years from the date of attendance.

(8) Reporting and Auditing:

(a) Upon applying for license renewal, each massage therapist shall certify to the Board that he/she has completed the continuing educational hours required for license renewal. The method of reporting and auditing continuing education shall be as stated in this Rule.

(b) The Board may direct the staff to audit a percentage of randomly selected active renewing licensees, as determined by the Board, for compliance with continuing education requirements. Documentation of completed continuing education hours which the Board deems to be acceptable proof or verification of completion shall include, but not be limited to, the following:

1. Attendance and participation at a live presentation such as a workshop, seminar, conference or direct hands-on client care educational program: A certificate of completion or similar documentation that includes a massage therapist license number

and the approved provider's number, signed or verified by a program official, and a program or course description including sponsor, course title, date, program objective/learning outcomes, content description, agenda or schedule.

2. Lectures and Multi-Media Courses: For lectures, a certificate of completion, or similar documentation, including a massage therapist license number and the approved provider's number, signed or verified by a program official, and a program description including sponsor, course title, date, program objective/learning outcomes, content description, agenda or schedule. Multi-Media courses shall require the successful completion and submission of a written post experience examination to evaluate material retention. Multi-Media courses include, but are not limited to, audio, audiovisual, closed circuit television, and internet courses.

3. Correspondence Courses: A certificate of completion or similar documentation, including a massage therapist license number and the approved provider's number signed or verified by a program official and a program description including sponsor, course title, date, program objective/learning outcomes, content description, agenda or schedule.

4. Formal self study, viewing of videotapes in a professional setting, satellite broadcasts, or computer learning activities. Documentation must include:

(i) Verified instructional time by the course sponsor, a certificate of completion or similar documentation that is signed or verified by program official; and

(ii) A program description including sponsor, course title, date, program objective or learning outcomes, and description of program content.

Authority: O.C.G.A. §§ 43-1-19, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-10, 43-24A-14, 43-24A-20, and 50-13-3.

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Ms. Lescak motioned, Mr. Earles seconded, and the Board voted to adopt Rule 345-4-.04 Inactive Status as posted for the 30-day minimum requirement. None opposed, motion carried.

SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA BOARD OF MASSAGE THERAPY RULE FOR CHAPTER 345-4, LICENSE RENEWAL, CONTINUING EDUCATION, INACTIVE STATUS AND REINSTATEMENT OF LICENSE, RULE 345-4-.04, INACTIVE STATUS

Purpose: The purpose of this rule amendment is to expand the rule to contain updated Board policies with regard to inactive licensure status.

Main Features: The rule provides for the expansion of the current rule to contain current Board policies regarding a timeframe and requirements of reactivation or reinstatement of an inactive status license.

DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE GEORGIA BOARD OF MASSAGE THERAPY RULE FOR CHAPTER 345-4, LICENSE RENEWAL, CONTINUING EDUCATION, INACTIVE STATUS AND REINSTATEMENT OF LICENSE, RULE 345-4-.04, INACTIVE STATUS

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

345-4-.04 Inactive Status. Amended.

(1) Licensees may request by application only to the Board that their active license to practice as a massage therapist in Georgia be placed on inactive status prior to the license expiration date. Applications for Inactive Status request will not be considered if postmarked on or after November 1st of every ~~Even~~ even numbered year. There is no fee to apply for inactive status.

(2) An individual whose license status is inactive shall not practice as a massage therapist within the state of Georgia.

(3) An individual whose license is under any investigation or sanction may not transfer to inactive status while the sanctions are in effect.

(4) Licensees shall request in writing to the Board for the ~~reinstatement~~ reactivation of their massage therapy license. ~~Reinstatement~~ Reactivation of an inactive status license is within the discretion of the Board. The following requirements must be met:

(a) ~~An applicant for reinstatement of an inactive status license must submit a completed application provided by the board, payment of the required fee and evidence satisfactory to the Board that the applicant:~~

- ~~1. is at least 18 years of age; and~~
- ~~2. has a high school diploma, GED, or recognized equivalent; and~~
- ~~3. is a citizen of the United States or a permanent resident of the United States, and~~ If a licensee has been on inactive status for less than (5) years, applicant must meet the requirements for renewal of licensure pursuant to Rule 345-4-.01, excluding late renewal penalty fee, and all required CE hours must be obtained within one year prior to the date of receipt of the Reactivation Application.

(b) ~~in addition, the following:~~

- ~~1. photograph of the applicant. Only a passport type (3"X 3") photo taken within the past twelve months will be accepted; and~~
- ~~2. authorization to perform a criminal background check; and~~
- ~~3. submission of evidence of twenty four (24) hours of Board approved continuing education, in accordance with Board rule 345-4-.02, obtained within one (1) year of the date of the reinstatement application; and~~
- ~~4. If applicable, verification of current massage therapist licensure, in good standing, from another jurisdiction, state, territory of the United States, or foreign country submitted directly to the Board from the issuing state regulatory and/or licensing board;~~ or If a licensee has been on inactive status for a period greater than (5) years, applicant must meet the requirements for reinstatement pursuant to Rule 345-4-.05.

(c) ~~If applicable,~~

- ~~1. official transcript from a Board recognized massage therapy education program; or~~
- ~~2. verification of passing one of the Board recognized examinations (i.e. the NCETMB, NCETM or FSBMT exams).~~

(d) ~~The Board may impose any limits, sanctions, restrictions or other disciplinary actions as a condition of reinstatement it deems necessary.~~

(e) ~~Additional verification of any requirements or credentials as the Board may deem necessary.~~

Authority: O.C.G.A. §§ 43-1-19, 43-1-22, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-10, 43-24A-14, 43-24A-17, 43-24A-20 and 50-13-3.

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Ms. Lescak motioned, Mr. Earles seconded, and the Board voted to adopt Rule 345-5-.01 Licensure by Endorsement as posted for the 30-day minimum requirement. None opposed, motion carried.

SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA BOARD OF MASSAGE THERAPY RULE FOR CHAPTER 345-5-.01 LICENSURE BY ENDORSEMENT

Purpose: The purpose of this rule amendment is to expand the rule to contain updated Board policies with regard to supporting documents.

Main Features: The rule provides for the expansion of the current rule to contain current Board policies regarding all supporting documents provided must be in the English language.

DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE GEORGIA BOARD OF MASSAGE THERAPY RULE FOR CHAPTER 345-5-.01 LICENSURE BY ENDORSEMENT

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

345-5-.01 Licensure by Endorsement. Amended.

(1) Any applicant holding a current license, in good standing, as a massage therapist issued by another jurisdiction, state, or territory of the US or foreign country that is equal to or exceeds the Georgia licensure requirements, shall apply for licensure by endorsement by submitting an application on a form provided by the Board, accompanied by the appropriate fee (see fee schedule) and the following:

(a) All supporting documents must be provided to the Board in the English language. Documents must be translated by a reputable source subject to the discretion of the Board.

~~(a)~~ (b) verification that an applicant is at least 18 years of age; and

~~(b)~~ (c) has a high school diploma, GED, or recognized equivalent; and

~~(c)~~ (d) is a citizen of the United States or a permanent resident of the United States, and

~~(d)~~ (e) photograph of the applicant. Only a passport type (2”X 2”) photo taken within the past twelve months will be accepted; and

~~(e)~~ (f) authorization to perform a criminal background; and

~~(f) three (3) references: two (2) professional references from licensed healthcare professionals or instructors from a massage therapy program and one (1) personal reference (excluding immediate family). All references must have known the applicant for two (2) years; however, for applicants who have graduated from a massage therapy program within one (1) year of the date of their application, the licensed professional~~

~~references must have known the applicant for only a minimum of six (6) months; and~~

(g) official verification of current licensure as a massage therapist, in good standing, from another jurisdiction, state, or territory of the United States or foreign country, including a copy of its licensing laws for massage therapist, whose standards for licensure meet or exceed those required by Georgia.

(h)The Board may request additional verification of any requirements or credentials as it may deem necessary.

Authority: O.C.G.A. §§ 43-1-7, 43-1-25, 43-24A-3, 43-24A-7, 43-24A-10, 43-24A-13, 43-24A-17, and 50-13-3.

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Ms. Lescak motioned, Mr. Earles seconded, and the Board voted to adopt Rule 345-6-.01 Professional and Unprofessional Conduct. Amended; as posted for the 30-day minimum requirement. None opposed, motion carried.

SYNOPSIS OF PROPOSED RULE AMENDMENT TO THE GEORGIA BOARD OF MASSAGE THERAPY RULE 345-6, REPEALED, BECOMING RULE 345-6-.01 PROFESSIONAL AND UNPROFESSIONAL CONDUCT. AMENDED.

Purpose: The purpose of this rule amendment is to develop a new rule regarding expected conduct of licensees.

Main Features: The rule sets guidelines of professional and unprofessional conduct for all licensees

DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED RULE AMENDMENT TO THE GEORGIA BOARD OF MASSAGE THERAPY RULE 345-6, REPEALED, BECOMING RULE 345-6-.01PROFESSIONAL AND UNPROFESSIONAL CONDUCT. AMENDED.

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

~~345-6-.01 Repealed.~~ Professional and Unprofessional Conduct. Amended.

(1) Georgia Licensed Massage Therapists shall:

(a) Comply with recognized professional standards for the practice of massage therapy and client quality of care.

(b) Represent professional qualifications truthfully and accurately, including education and professional affiliations, and provide only those services that the practitioner is qualified by education, experience, and skill to perform within recognized professional standards for the practice of massage therapy.

(c) Accurately inform clients, other health care practitioners, and the public about the scope and limitations of the practice of massage therapy, including the limitations of and contraindications for massage therapy.

(d) Refer clients to appropriate health professionals when treatment needed by the client is beyond the scope of massage therapy practice according to recognized professional standards.

(e) Perform massage therapy only after the client has given written informed and voluntary consent that is signed by the client or, if the client is a minor, signed by the client's guardian, parent, or authorized third party.

- (f) Immediately comply with the client’s expressed request to refuse, modify, or terminate the performance of massage therapy, regardless of any prior consent.
- (g) Provide draping and treatment consistent with client safety, comfort, and privacy in compliance with recognized professional standards of massage therapy practice.
- (h) Refuse to treat any person or part of the body if such treatment is not lawful, does not comply with recognized professional standards of massage therapy practice, or is not in the best interest of the client.
- (i) Not violate client boundaries regarding privacy, disclosure of personal information, physical exposure, nudity, or sexual activity.
- (j) Not accept any gifts, compensation, or benefits that are intended to influence a referral, decision, or treatment that is not within recognized professional standards of massage therapy practice, including treatment that is not in the best interest of the client.
- (2) Unprofessional conduct shall also include, but not be limited to, the following:
 - (a) Practicing massage therapy without a valid license or with an expired license;
 - (b) Failing to comply with requirements for professional continuing education;
 - (c) Performing any act which knowingly aids, assists, procures, advises or encourages an unlicensed person to practice message therapy.
 - (d) Failing to display a massage therapist’s license certificate issued by the Board, or a photocopy thereof, in an appropriate and public manner easily and readily available for public view at each location the licensee practices;
 - (e) Violation of, or non compliance with, any of the following:
 1. The Georgia Massage Therapy Practice Act;
 2. Any statutes, ordinances, or rules pertaining to the practice of massage therapy;
 3. Rules promulgated by the Georgia Board of Massage Therapy;
 4. Any Consent Agreement entered into with the Georgia Board of Massage Therapy or other licensing board or agency; and
 5. Any Order issued by the Georgia Board of Massage Therapy or other licensing board or agency.
 - (f) Failing to maintain appropriate records and to safeguard the confidentiality of records regarding clients, their treatment, their personal information, and client referral to other medical or health professionals, unless disclosure or release of such confidential information is requested by the client in writing or is required by law.
 - (g) Falsifying, altering, destroying, or changing records in contemplation of an investigation by the board, a governmental office, regulating agency, or lawsuit filed by a patient.
 - (h) Using improper or unfair measures or false information to draw patronage from the practice of another massage therapy licensee.
 - (i) Initiating or engaging or in any sexual conduct, sexual activities, or sexualizing behavior involving a client or pertaining to the practice of massage therapy.
 - (j) Knowingly making misleading, deceptive, untrue or fraudulent representations in an application for licensure, reinstatement, or licensure renewal filed with the board, in a document pertaining to the practice of massage therapy, the filing of any insurance claim, or in any document in connection therewith.
 - (k) Discriminating against clients on the basis of gender, age, race, national origin, religion, disability, or sexual preference.

Authority: O.C.G.A. §§ 43-1-19, 43-1-24, 43-1-25, 43-24A-2, 43-24A-7, 43-24A-8, 43-24A-13, 43-24A-14, 43-24A-15, 43-24A-17, 43-24A-20, 43-24A-22, and 50-13-3



Ms. Lescak motioned, Mr. Earles seconded, and the Board voted to adopt Rule 345-10-.01 General Provisions and 345-10-.03 Advertising; as posted for the 30-day minimum requirement. None opposed, motion carried.

SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA BOARD OF MASSAGE THERAPY RULES FOR CHAPTER 345-10 DISCIPLINE, RULES 345-10-.01 GENERAL PROVISIONS, AND 345-10-.03 ADVERTISING.

Purpose: The purpose of this rule amendment is correct typographical errors.

Main Features: The rule amendments correct minor typographical errors and language duplication within the existing rules.

DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE GEORGIA BOARD OF MASSAGE THERAPY RULE FOR CHAPTER 345-10 DISCIPLINE, RULES 345-10-.01 GENERAL PROVISIONS, AND 345-10-.03 ADVERTISING.

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

345-10-.01 General Provisions. Amended.

(1) Upon finding that a violation has occurred, in accordance with O.C.G.A. § 43-1-19 and 43-24A-7, the Board has the authority to refuse to grant a license to a person, revoke the license of a person licensed by the Board, discipline or sanction a person licensed by the Board, or, refuse to renew a license.

(2) In addition, the Board may impose any or all, but not limited to, the following:

(a) Public or Private Reprimand;

(b) Letter of Concern;

(c) Imposition of Fine(s);

(d) Period of Probation;

(e) Cease and Desist Order;

(f) Any other action the Board may deem appropriate, up to and including possible suspension and/or revocation of ~~you're~~ the professional license.

(3) The Board may consider each violation as a separate violation and impose a fine of not more than \$500 for each convicted offense, \$1000 per subsequent conviction and/or possible imprisonment, in accordance with O.C.G.A. § 43-1-20 and 43-24A-24.

(4) Mitigating circumstances may be taken into account in varying the sanctions subject to the Board's discretion. Mitigating circumstances shall not include failure to notify the Board of an address change or failure to receive a renewal application or reminder notice.

Authority: O.C.G.A. §§ 43-1-19, 43-1-20, 43-1-24, 43-1 25, 43-24A-7, 43-24A-14, 43-24A-15, 43-24A-17, 43-24A-18, and 50-13-3.

345-10-.03 Advertising. Amended.

(1) It shall be considered a violation of the massage therapy practice act to:

(a) publicly misrepresent oneself to be a massage therapist in any form of advertisement unless the individual has an active, valid license issued by the Board to practice massage therapy in Georgia;

(b) advertise massage therapy services *in conjunction* with adult entertainment, escort or dating services.

(2) Only duly licensed massage therapists practicing in accordance with the Board rules

and Georgia law may practice massage therapy in Georgia, or, use in connection with their own name or that of their business or employer, the terms massage, massage therapy, massage therapist, massage practitioner, or the letters M.T. or L.M.T. or any other representation either direct or indirect, indicating to the general public that massage therapy is provided or available. Such activities are prohibited unless the provider is an actively licensed massage therapist by the Georgia Board of Massage Therapy.

(3) Actively licensed massage therapist shall include their Georgia massage therapy license number on all forms of advertisement no later than October 31, 2010.

(4) Establishments providing massage therapy services by more than one licensed massage therapist shall include on all forms of advertisement no later than October 31, 2010 the following statement: "Georgia Licensed Massage Therapists". ~~on all forms of advertisement no later than October 31, 2010.~~

Authority: O.C.G.A. §§ 43-1-19, 43-1-25, 43-1-24A-3, 43-24A-7, 43-24A-8, 43-24A-14, 43-24A-15, 43-24A-17, 43-24A-21, 43-24A-24 and 50-13-3.

Board Policy:-Advertisement

In violation of Rule 345-10-.03 Advertising, any licensee caught advertising as a licensed massage therapist and does not hold a valid active license will be issued a public reprimand and fined \$500.00 per occurrence.

Effective: 10-28-2010

Ms. Lescak motioned, Mr. Earles seconded, and the Board voted to accept the above policy as presented. None opposed, motion carried.

Petition for Waiver/Variance Request-Re-Review:

Ms. Phillips requested the Board reconsider the decision regarding her petition for wavier/variance request.

Mr. Earles motioned, Ms. Lescak seconded, and the Board voted to deny the waiver re-review request. Board decision stands; waiver denied due to insufficient evidence presented to prove hardship. None opposed, motion carried.

Ms. Lescak motioned, and Mr. Earles seconded, and the Board voted to enter into Executive Session in accordance with O.C.G.A. § 43-1-2(k) (1) (2), O.C.G.A. § 50-14-2(1), O.C.G.A. § 43-1-2-(k) (4), O.C.G.A. § 43-1-19 (h) (2) & (4) to receive and review information pertaining to Applications, receive the Attorney General's, Cognizant, and Enforcement Reports. Voting in favor of the motion were those present who included Board members Johnson, Lescak, Phillips and Earles.

Massage Therapy School Report Continued:

After an in-depth discussion, Ms. Phillips motioned, Ms. Lescak seconded, and the Board voted to accept the drafted response by Mr. Steve Earles, Board Member to Corinthian College, in reference to the conference call conducted on October 27, 2010. None opposed, motion carried.

Attorney General's Report:

Assistant Attorney General, Graham Barron provided the Board with a status report.

Ms. Lescak motioned, Mr. Earles seconded, and the Board voted to approve the Assistant Attorney General's report as presented during Executive Session. None opposed, motion carried.

Additional Business:

1. Mr. Randy Vaughn, Division Director met with the Board to discuss the possibility of implementing a continuing education tracking program.

There being no additional business to discuss, Ms. Phillips motioned, Ms. Lescak seconded, and the Board voted to adjourn the meeting at 12:15 p.m.

Minutes recorded by:

Amanda Allen, Board Support Specialist

Minutes reviewed and edited by:

Brig Zimmerman, Executive Director

Jane H. Johnson, Chair
Georgia State Board of Massage Therapy

Brig Zimmerman, Executive Director
Professional Licensing Boards Division

These minutes were approved on: February 11, 2011